

Fresno, California

February 1, 2000

The City Council met as the Redevelopment Agency at the hour of 8:46 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JANUARY 25, 2000

On motion of Member Mathys, seconded by Member Quintero, duly carried, **RESOLVED**, the minutes of January 25, 2000, approved as submitted.

(“A”) REJECT ALL BIDS FOR INSTALLATION OF A WROUGHT IRON FENCE FOR THE KEARNEY PALMS SHOPPING CENTER

Briefly reviewed by Agency Director Fitzpatrick who recommended the bids be rejected, and advised because the bids received were considerably over the Engineer’s estimate staff felt better bids would be received by incorporating this bid into the larger police substation bid.

Discussion ensued with Mr. Fitzpatrick and Agency Engineer Goonawardena responding to questions of Chair Ronquillo and Members Mathys and Quintero relative to the shrubs along Freeway 99 and feasibility of installing a wrought iron fence along that area instead of a cyclone fence, timeline for completion of the substation, specifics of the substation, reason for the large spread between the Engineer’s estimate and bids received, potential for a cost increase by delaying the award, concern with continuing with the unsightly area for a longer period of time, and timeline for rebidding. Chair Ronquillo briefly commented on the Adult School fencing issue, and requested staff submit the plans for Kearney Palms fence to the Agency for their review.

On motion of Member Quintero, seconded by Member Mathys, duly carried, **RESOLVED**, all bids received for installation of a wrought iron fence for the Kearney Palms Shopping Center hereby rejected because the bids received were considerably over the Engineer’s estimate; and staff directed to review the specifications, revise as necessary, and rebid the project with a larger project for the Kearney Palms Shopping Center, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes : None
Absent : None

DIRECT STAFF TO SCHEDULE ON THE AGENDA IN TWO WEEKS: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: AGENCY EXECUTIVE DIRECTOR - CHAIR RONQUILLO

Direction made.

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The Redevelopment Agency adjourned at 9:00 a.m. and the City Council convened in regular session at 9:07 a.m.

Councilmember Quintero noted Supervisor Koligian was ill and asked that he be kept in our prayers.

Pastor Jim Franklin, Cornerstone Assembly of God, gave the invocation.

Councilmember Quintero led the Pledge of Allegiance to the Flag.

CERTIFICATES OF RECOGNITION TO CLOVIS WEST AREA SPELLING BEE PARTICIPANTS - ACTING PRESIDENT BREDEFELD AND COUNCILMEMBER MATHYS

RECOGNITION AWARDS TO BULLARD F.C. GIRL'S SOCCER TEAM - COUNCILMEMBER MATHYS

PROCLAMATION OF "CHARLES ANTHONY BOLDING DAY" - MAYOR AND COUNCIL

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE WINTER QUARTER

The above certificates, awards, and proclamation were read and presented. Council recessed at 9:36 a.m. to attend a reception honoring the PRIDE Team and reconvened at 9:57 a.m. Councilmember Ronquillo arrived later.

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APPROVE COUNCIL MINUTES OF JANUARY 25, 2000

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the minutes of January 25, 2000, approved as submitted.

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APPROVE AGENDA:

REQUEST FOR DETAILED STAFF REPORT ON COUNTY FIRE STATION NO. 15 - COUNCILMEMBER STEITZ (*DISCUSSED AGAIN LATER*)

Request made.

(1A-5) AWARD A CONTRACT FOR SIX (6) GRANULAR ACTIVATED CARBON ABSORPTION VESSELS

Removed from the agenda at the direction of staff.

(5B) STATUS REPORT ON THE SURFACE WATER TREATMENT PLANT - COUNCILMEMBER PEREA

Removed from the agenda at the direction of Councilmember Perea.

DIRECT STAFF TO SCHEDULE "UPDATE REPORT ON WORKFORCE DEVELOPMENT ACT" ON THE FEBRUARY 8, 2000, AGENDA - COUNCILMEMBER PEREA

Direction made and the issue was set for 2/8 at 10:15 a.m..

FUNDING FOR COUNTY FIRE STATION NO. 15 - COUNCILMEMBER QUINTERO (CONTINUED FROM EARLIER)

Noting the fire station was approved in FY 99, Councilmember Quintero requested any funding that was set aside be retained and not be moved, with City Manager Reid responding.

(2 - 0) SECOND REQUEST FOR STAFF REPORT ON NUMBER OF JOBS CREATED AND REVENUE RECEIVED BY THE SUCCESSFUL GAP PROJECT - COUNCILMEMBER QUINTERO

Request made.

COMMENDATION/CONGRATULATIONS TO NICK YOVINO ON HIS APPOINTMENT TO THE POSITION OF DEVELOPMENT DIRECTOR - ACTING PRESIDENT BREDEFELD

Congratulations extended.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE THE SALE OF A PORTION OF THE PUMP STATION SITE (A 10-FOOT BY 150-FOOT STRIP OF LAND) LOCATED AT THE NORTHWEST CORNER OF E. BELMONT AND N. PARK AVENUES TO THE ADJACENT PROPERTY OWNERS FOR THE PRICE OF \$450, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO CONCLUDE THE TRANSACTION

(1A-2) APPROVE A LEASE AGREEMENT WITH QUIST DAIRY IN THE ANNUAL AMOUNT OF \$12,480 (\$160 PER ACRE) FOR 78 ACRES AT THE SOUTHWEST CORNER OF W. CENTRAL AND S. HAYES AVENUES, MORE PRECISELY IDENTIFIED AS FRESNO COUNTY APN 327-040-11; APPROVE A LEASE WITH QUIST DAIRY IN THE ANNUAL AMOUNT OF \$34,650 (\$210 PER ACRE) FOR 165 ACRES AT THE SOUTHEAST CORNER OF W. CENTRAL AND S. BRYAN ALIGNMENT, FURTHER IDENTIFIED AS FRESNO COUNTY APN 327-040-26, AND THE SOUTH 45 ACRES OF 327-040-32; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE LEASE AGREEMENTS ON BEHALF OF THE CITY

(1A-3) * **RESOLUTION NO. 2000-30** - 66th AMENDMENT TO AAR 99-181 APPROPRIATING \$2,579,400 FOR THE CONVENTION CENTER EXHIBIT HALL EXPANSION PROJECT

(1A-4) **RESOLUTION NO. 2000-31** - AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT AND SEPARATE LEASE SCHEDULES WITH PITNEY BOWES CREDIT CORPORATION

(1A-6) * **RESOLUTION NO. 2000-32** - 368TH AMENDMENT TO MFS RESOLUTION NO. 80-420 TO AMEND THE HOURLY RATE FOR CONTRACTED LAW ENFORCEMENT (POLICE) SERVICES

(1A-7) APPROVE A 10-YEAR LEASE AGREEMENT WITH CLOVIS UNIFIED SCHOOL DISTRICT FOR A PORTION OF THE PINEDALE ELEMENTARY SCHOOL SITE FOR USE AS AN ADDITIONAL PLAY AREA FOR THE PINEDALE NEIGHBORHOOD CENTER

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(10:00 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF EASEMENTS FOR CONSTRUCTION OF E. BEHYMER AVENUE AT THE ENTERPRISE CANAL

1. * **RESOLUTION NO. 2000-33** - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE CITY TO ACQUIRE A RIGHT-OF-WAY AT E. BEHYMER AT THE ENTERPRISE CANAL IN CONJUNCTION WITH THE DEVELOPMENT OF UGM TRACT NO. 4833, AND THAT THE ACQUISITION OF AN EASEMENT IS NECESSARY FOR THE PROJECT

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Upon call, no one asked to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the above entitled Resolution No. 2000-33 acquiring a public easement on that portion of the E. Behymer alignment owned by various parties, the last known being Charlotte M. Johnson, Helena G. Johnson, Harriet J. Coffey, also known as Harriett Johnson Coffey, and Geraldine J. Johnson, and stating public interest and necessity require the construction and is necessary to complete the off-site requirements for Tract No. 4833 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes : None
Absent : Ronquillo

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Councilmember Steitz briefly left the meeting at 10:05 a.m.

(5A) PROPOSED EXTENSION OF APPOINTMENT TO JUNE 30, 2000, OF PAUL BESSELIEVRE, JR. TO THE FRESNO WORKFORCE DEVELOPMENT BOARD - ACTING PRESIDENT BREDEFELD

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the extension of appointment of Paul Besselievre, Jr. to the Workforce Development Board introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Boyajian
Noes : None
Absent : Ronquillo, Steitz

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(5C) * RESOLUTION NO. 2000-34 - 69TH AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF DISTRICT 4'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND CARE FRESNO PROJECTS - COUNCILMEMBER STEITZ

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-34 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Boyajian
Noes : None
Absent : Ronquillo, Steitz

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(5F) CONSIDERATION AND DISCUSSION OF USED CAR LOT DEVELOPMENT IN THE C-6 AND OTHER COMMERCIAL DISTRICTS, AND DIRECT STAFF AND THE CITY ATTORNEY TO BRING BACK FOR INITIATION AN AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE - COUNCILMEMBER PEREA

Reviewed by Councilmember Perea who stated he was looking for a mechanism to halt or slow down the proliferation of used car lots citing the problems in his district along Blackstone and Belmont Avenues. Councilmember Ronquillo returned to the meeting at 10:05 a.m.

Citing concern for small business owners, Councilmember Mathys questioned and requested information on the type of fee structure that would be associated. Brief discussion ensued on the intent with Councilmember Perea clarifying his goal was to limit the supply of used car lots, with City Manager Reid advising what would be necessary. Councilmember Steitz returned to the meeting at 10:11 a.m.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to initiate and return with the text amendment process to limit used car development in the C-6 and other commercial districts, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(5D) REQUEST CITY MANAGER OR HIS DESIGNEE TO DIRECT STAFF TO CONDUCT AN ANALYSIS TO CORRECT ZONING IN SOUTHWEST FRESNO THAT IS NOT IN CONFORMANCE WITH THE COMMUNITY PLAN - COUNCILMEMBER RONQUILLO

Briefly reviewed by Councilmember Ronquillo.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the City Manager or his designee directed to conduct an analysis to correct the zoning in southwest Fresno that is not in conformance with the Community Plan, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(5E) REQUEST CITY MANAGER OR HIS DESIGNEE TO DIRECT STAFF TO RETURN WITH ALL APPROPRIATE DOCUMENTS TO CREATE A ZONE DISTRICT FOR GREENWASTE RECYCLING - COUNCILMEMBER RONQUILLO

Removed from the agenda at the direction of Councilmember Ronquillo who stated he would reword and reschedule the issue.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY JOHN WALLACE, REPRESENTING WESTCARE, INC. AND THE THIRD FLOOR, 2772 S. MARTIN LUTHER KING BLVD., REGARDING (1) THEIR NEW FACILITY, AND (2) WESTCARE'S RELATIONSHIP WITH WILBERFORCE UNIVERSITY AND THEIR OFFER TO ASSIST IN ANY WAY TO ENSURE THE FRESNO CAMPUS PROJECT MOVES FORWARD

Appearance made; no action taken.

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CONGRATULATIONS/COMMENDATIONS TO NEWLY APPOINTED DEVELOPMENT DIRECTOR YOVINO -

Congratulations and commendations were extended to Mr. Yovino by Council. Councilmember Ronquillo left the meeting at 10:19 a.m. and returned after the recess.

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(10:20 A.M.) APPEARANCE BY DAVID WELLS TO DISCUSS A JOINT VENTURE BETWEEN THE CITY AND ELECTRIC VEHICLES OF AMERICA (EVA) TO SEEK GRANT FUNDS TO PURCHASE TWO HYBRID ELECTRIC TRANSIT BUSES

Appearance made and brief discussion ensued on the City's process. No action was taken.

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(10:25 A.M.) APPEARANCE BY BARBARA HUNT REGARDING POPULATION GROWTH IN THE CITY

Appearance made; no action taken.

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(10:35 A.M.) DIRECT CITY ATTORNEY TO MEET WITH APPROPRIATE STAFF TO DEVELOP STANDARDS FOR MAINTENANCE AND REPLACEMENT OF MATERIALS FOR FENCES, COMMERCIAL AND RESIDENTIAL, INCLUDING INSTALLATION OF SLATS IN CHAIN LINK FENCES TO CONCEAL THE STORAGE OF EYESORES AND/OR STORAGE OF UNSIGHTLY MATERIAL - COUNCILMEMBER QUINTERO

Reviewed by Councilmember Quintero who explained the need for uniform, compatible fencing displaying photographs of unsightly problem areas in his district. Acting President Bredefeld briefly left the meeting at 10:37 a.m. Upon question, City Attorney Montoy advised staff would review the issue and report back in 30 days on all options to address the matter. Councilmember Quintero clarified at issue was whether the City had the ability to mandate repairs/maintenance or if this was a zoning matter. Councilmember Perea concurred this was a major problem stating he had the same problems in his district and stressed a process was needed. Councilmember Mathys stated the corridor along Freeway 99 also needed to be addressed as this was the first impression of Fresno.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, **RESOLVED**, the City Attorney *and* City Manager directed to meet with appropriate staff to develop standards for maintenance and replacement of materials for fences, both commercial and residential, including installation of slats in chain link fences to conceal the storage of eyesores and/or storage of unsightly material, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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(10:45 A.M.) DIRECT CITY ATTORNEY TO MEET WITH APPROPRIATE STAFF TO DEVELOP STANDARDS FOR MAINTENANCE AND REPLACEMENT OF NEWSPAPER RACKS AND TO REQUIRE A CONDITIONAL USE PERMIT (CUP) BEFORE A RACK IS INSTALLED OR PLACED IN A PUBLIC AREA (I.E. SIDEWALKS); NEWSPAPER OR MATERIAL TO BE DISTRIBUTED TO THE PUBLIC TO BE ENCLOSED - COUNCILMEMBER QUINTERO

Councilmember Quintero included the City Manager in his direction; **(3 - 0)** reviewed the issue stating this was another type of unenforceable problem; displayed photographs of problem areas showing racks installed directly

on sidewalks questioning ADA requirements; noted some were vandalized with graffiti and some were not proper containers as they allowed printed materials to fall out and litter the surrounding area, and questioned the process. Acting President Bredefeld returned to the meeting at 10:52 a.m. City Attorney Montoy responded on the process.

Councilmember Perea stated he would support restricting the placement of racks. Councilmember Quintero expressed his concern stating it was real frustrating to turn in problem locations to Code Enforcement only to be told there was nothing that could be done. Ms. Montoy advised staff would review the current process, determine a direction and report back. City Manager Reid recommended prohibiting installation also be looked into. Councilmember Mathys cautioned Council about restricting the public's access to printed materials stating many people were unable to subscribe to the paper, and suggested individual companies with problem racks be asked to comply. Acting President Bredefeld left the meeting at 10:57 a.m. and returned after the recess Councilmember Quintero clarified his intent was to limit the racks and restrict them from public right-of-ways.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the City Attorney and City Manager directed to meet with appropriate staff to look into, develop standards for, and report back on maintenance and replacement of newspaper racks, requiring a conditional use permit (CUP) before a rack is installed or placed in a public area (i.e. sidewalks), prohibiting installations on public right-of-ways, and requiring newspapers or materials to be stored in proper containers, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

Councilmember Quintero clarified his intent was to limit and/or restrict newspaper racks from public right-of-ways and wanted information on the best way to achieve that goal.

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(11:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-18, REZONING APPLICATION NO. R-99-27, AND ENVIRONMENTAL FINDINGS, FILED BY SCOTT NEGRI, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. DAKOTA AND N. WEST AVENUES

- 1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-18, R-99-27**
- 2. RESOLUTION NO. 2000-35 - AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN**
- 3. BILL NO. B-10 - ORDINANCE NO. 2000-14 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-3-A TO C-1**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation. Councilmember Mathys spoke in support of the project stating it was a friendly compatible commercial use; and staff responded briefly to questions of Councilmember Perea relative to whether car lots would be an allowed use.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of President Boyajian, seconded by Councilmember Mathys, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-99-18/R-99-27, issued 10/26/99, hereby approved;

the above entitled Resolution No. 2000-35 approved; and the above entitled Bill No. B-10 rezoning the subject property subject to the conditions of zoning as recommended by staff and the Planning Commission adopted as Ordinance No. 2000-14, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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LUNCH RECESS - 11:03 A.M.- 11:17 A.M.

(11:10 A.M.) REPORT AND ACTION REGARDING REQUEST FOR DEFERRAL OR WAIVER OF FEES RECEIVED FROM WILBERFORCE UNIVERSITY FOR ITS FRESNO UNIVERSITY CAMPUS PROJECT

City Manager Reid read a letter received 1/31/00, from the Wilberforce University President stating their Board had only authorized the University to begin an adult degree program in Fresno and as yet had not made any request to the City of Fresno, and that any request would come directly from the President's office. Mr. Reid continued and reviewed the issue stating there had been much confusion, and clarified the housing issue and the university program were two separate issues and explained.

Speaking to the issue were: Ivie Roberts, Greater Fresno Consortium (GFC), who clarified GFC had initiated the project, advised the request as printed on the agenda should have been from GFC, and confirmed Wilberforce University had never made any request to the City; Carl P. Wallace; Jim Holm, Fresno Pacific University; Roger Lenz, Consultant, GFC; and David Wells, P.O. Box 1523.

Councilmember Ronquillo stated if the project was proposed and went through the process as a housing project and off-site improvements for 10 acres he would support it adding it might attract Wilberforce to locate here in the future, and spoke in support of the housing project emphasizing the area was in need of improvements and housing.

(4 - 0) Councilmember Mathys noted the university would be a tremendous anchor for the southwest area and questioned what the City could do to move the issue forward, with Development Director Yovino responding. Councilmember Mathys stated he would be requesting an action item in the future to extend the inner-city fee reduction line to Church Avenue to move the project forward. Discussion ensued on the importance of Wilberforce University's involvement in the housing project, extending the inner-city fee reduction line, including both the residential and educational projects in the overall plan, multiple issues involved and there being a bigger issue than just the subject housing project or area, and timeline for staff to report back with an overall plan and fee reduction, with Mr. Yovino, City Attorney Montoy and Ms. Roberts responding to questions. Councilmember Mathys offered a motion or direction for staff to return in 3 weeks with an overall plan to move the issue forward.

Councilmember Perea spoke in opposition to Councilmember's Mathys' direction due to the unknown impacts and the need for more discussion; noted based on prior presentations by GFC it had been his understanding Wilberforce University was intimately tied to and was a part of what GFC was trying to do only to now find out as late as yesterday that was not the case; stressed GFC should not try to represent Wilberforce; and stated the housing project and fee waiver should stand on its own merit.

Acting President Bredefeld stated disingenuous representations had been going on, presented questions relative to the fees and staff's position on the matter, with Mr. Reid responding, and stated the housing project should be judged on its own merit and he would not support GFC's request.

Councilmember Ronquillo concurred the two issues should be separate; reiterated there was a need for low and/or moderate income housing in the area; stated he felt the City waiving or deferring \$17,000 in fees for area improvements was worth it if GFC set aside the 10 acres for Wilberforce; and noted there were ways to deal with the fees without the City losing them, i.e. preconditions, and explained. Ms. Montoy stated preconditions could not be done as there were too many factors involved, noted further discussions/meetings were needed by both groups, and recommended Council not make a decision this date and refer the matter back to staff. Mr. Reid stated the best way to attract Wilberforce was to not entangle them to a housing project they may or may not even support, and requested Council not piecemeal the housing and not waive fees at this stage and explained.

By Council consensus, both parties to meet further on options for the housing project separate from the educational project.

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(11:30 A.M.) REQUEST THE CITY MANAGER OR HIS DESIGNEE TO PROVIDE OWNER OF PROPERTY AT 6493 N. GOLDEN STATE WITH A PLAN LINE LOCATION AS REQUIRED FOR HERNDON AVENUE IMPROVEMENTS - COUNCILMEMBER MATHYS

Briefly reviewed by Councilmember Mathys who stated the property owner wanted to expand his business and needed official boundaries.

Jeff Harper, Mark Chin Engineering, 4045 Fresno Street, representing the property owner, requested the City proceed with a plan line for Herndon Avenue to allow the owner to develop the property.

Development Director Yovino, City Manager Reid, Mr. Harper and City Engineer Salazar responded to questions of Councilmember Mathys relative to process, the adopted County OPL, what the problem was, setbacks, and options, with Mr. Salazar displaying a map of Mr. Monaco's proposed option.

By Council consensus the City Manager and City Engineer to work with Mr. Monaco on options.

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President Boyajian announced Council would be going directly into closed session at 2:00 p.m.

LUNCH RECESS - 12:19 P.M. - 2:00 P.M.

(2:00 P.M.) CLOSED SESSION:

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 - TITLE: CITY ATTORNEY

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: WOODWARD PARK HOMEOWNERS ASSOCIATION V. CITY OF FRESNO AND GARREKS, INC.

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - LITIGATION: PACIFIC BELL WIRELESS, INC. V. CITY OF FRESNO

(D) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT PARTICIPATION - GOVERNMENT CODE SECTION 54954.2, SUBDIVISION (a) - CASE NAME: AMELCO ELECTRIC V. CITY OF THOUSAND OAKS

The Council met in closed session in Room 2125 at the hour of 2:10 p.m. to consider the above issues and reconvened in regular open session at 3:20 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of “D”, Friend of the Court Participation, Amelco Electric V. City of Thousand Oaks, the Council voted 5-0 to join in the amicus brief.

DIRECT STAFF TO SCHEDULE ON THE FEBRUARY 8TH AGENDA: APPROVE A 5% SALARY INCREASE FOR THE CITY ATTORNEY - COUNCILMEMBER PEREA

Direction made.

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(3:00 P.M.) BILL NO. B-11 - PROHIBITING A REQUIREMENT FOR PROJECT LABOR AGREEMENTS AND OTHER TYPES OF PRE-HIRE AGREEMENTS ON PUBLIC WORKS CONTRACTS - COUNCILMEMBER STEITZ

1. RESOLUTION - OPPOSING A REQUIREMENT FOR PROJECT AND OTHER TYPE OF PRE-HIRE AGREEMENTS ON PUBLIC WORKS PROJECTS (REMOVED FROM THE AGENDA)

Councilmember Steitz gave a brief overview of the issue.

Speaking to the issue were: Tom Estes, President, Building Trades Council, 34 E. Garland, who requested the matter be tabled 6 months to give them an opportunity to meet with Joe Garcia and the Association of Building Contractors (ABC) to share their ideas; and Joe Garcia, and Vaughn Kezirian, 2941 N. Argyle, who spoke in support of the proposed ordinance and requested Council take action this date as scheduled (**5 - 0**).

Councilmember Steitz stated he did not believe this was a controversial issue noting this would simply codify current City policy, and citing his support for free enterprise and choice for employers and workers made a motion to introduce the ordinance bill. Acting President Bredefeld stated he shared Councilmember Steitz’ sentiments and felt there was plenty of room for all sides to reach common ground, and seconded the motion.

Councilmember Ronquillo advised Councilmember Perea brought the issue to light for educational purposes and to have an open dialog; noted the issue was now scheduled for action and he was not yet fully educated on the issue and had not had an opportunity to request staff to submit a report and a legal analysis; and stated he felt it would be premature to take action at this time and he would not support the motion. Councilmember Mathys stated he believed in open competition and explained; noted Council’s job was to provide for an equal level playing field and he did not believe PLA’s would do that; and expressed his support for the motion. Councilmember Perea stated although he, too,

felt all information had not been received but he was prepared to take a position this date; advised fair wages and benefits were the reason Council required and got a signed PLA for the downtown stadium project adding no one argued against that; and stated based on information received since the PLA for the stadium and presentations made he would be supporting the motion.

City Attorney Montoy and City Manager Reid responded to questions of President Boyajian relative to the current status of PLA's on public works contracts, if PLA's could be required on a case-by-case basis, if staff had looked into other PLA's and if a legal opinion had been issued; if there was a lot of leeway with PLA's and if parameters could be placed upon them, and local preference. Mr. Reid advised passing the ordinance could change the status quo instead of preserving it and explained, and noted policy issues needed to be sorted out relative to Council and Mayoral authorities. Councilmember Ronquillo requested information on what other cities were doing relative to retirement benefits. Brief discussion ensued.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-11 introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz
Noes	:	Quintero, Ronquillo, Boyajian
Absent	:	None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 3:59 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

DATED this _____ day of _____ 2000.

_____ Tom Boyajian, Council President	ATTEST: _____ Yolanda Salazar, Assistant City Clerk
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